

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:07CR443
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
)	
SIYAD WARSAME ALI,)	
)	
Defendant.)	

This matter is before the Court on the Report and Recommendation (Filing No. 70) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to dismiss (Filing No. 65). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order dismissing this case for the government's alleged discovery abuses and contempt of a court order. A brief was not filed with the motion as required under NECrimR 12.3(b)(1) (as amended on January 30, 2009). Judge Gossett noted that, although the Defendant withdrew his motion (Filing No. 67), he considered the government's response (Filing Nos. 68, 69).

Notwithstanding the absence of objections, under 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 70) is adopted in its entirety; and

2. The Defendant's motion to dismiss (Filing No. 65) is denied.

DATED this 11th day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge